



and Seventy Four Dollars and 00/100 (\$21,874.00) into the Registry of the Court as estimated just compensation for Tract RGV-RGC-1007.<sup>3</sup>

3. Upon deposit of the estimated just compensation, title to the tract identified as RGV-RGC-1007 vested in the name of the United States by operation of law.<sup>4</sup>
4. The Declaration of Taking and Complaint in Condemnation acquired 4.587 acres in fee simple interest.
5. On September 13, 2021, this Court granted Defendant Florentino Luera's motion for partial summary judgment on an adverse possession crossclaim, effectively dismissing all other parties named in the case and finding Defendant Florentino Luera as the rightful and sole owner of the Subject Property.<sup>5</sup>
6. The United States and Defendant jointly stipulate and agree that all rights, title and interest acquired by the United States associated with or appurtenant to the Subject Property shall be revested in Defendant as they existed immediately before the time of the filing of the Declaration of Taking and title vesting in the United States.
7. Defendant hereby agrees to accept such revestment of the Subject Property.
8. Parties respectfully move this Court to disburse the funds deposited in the Registry of the Court, Twenty-One Thousand Eight Hundred and Seventy Four Dollars and 00/100 (\$21,874.00), plus any accrued interest thereon, payable to the order of "F & A Officer,

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<sup>3</sup> Dkt. No. 11.

<sup>4</sup> Upon the filing of the Declaration of Taking and depositing the estimated compensation in the Registry of the Court, the following events occur by operation of law: "(1) title to the estate or interest specified in the declaration vests in the Government; (2) the land is condemned and taken for the use of the Government; and (3) the right to just compensation for the land vests in the persons entitled to the compensation." 40 U.S.C. § 3114(b); *see E. Tennessee Nat. Gas. Co. v. Sage*, 361 F.3d 808, 825 (4th Cir. 2004) (in a Declaration of Taking Act case, "[t]itle and the right to possession vest in the government immediately upon the filing of a declaration and the requisite deposit.").

<sup>5</sup> Dkt. No. 183. Ameida Salinas, Starr County Tax Assessor's Office, executed a notice of disclaimer, granted by this Court. (Dkt. Nos. 5 and 7)

USAED, Fort Worth.”<sup>6</sup> The United States also respectfully requests that the check reference Tract. No. RGV-RGC-1007.

9. Defendant agrees to waive any and all claims for compensation of any nature against the United States arising from the United States’ acquisition of the subject property by the filing of its Declaration of Taking on December 18, 2020 for this action (7:20-CV-425). Defendant does not agree to waive any claims for compensation of any nature against the United States arising from any subsequent acquisition of the Subject Property that may occur after a final judgment is signed in this action.
10. The parties hereto will take no appeal from any rulings or judgments made by the Court in this action with regard to this Stipulation of Revestment and the parties consent to the entry of all orders and judgments necessary to effect this Stipulation.

Respectfully submitted,

**FOR PLAINTIFF**

**FOR DEFENDANT**

**JENNIFER B. LOWERY**  
Acting United States Attorney  
Southern District of Texas

/s/ Peter McGraw (with permission)  
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and

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<sup>6</sup> “Finance and Accounting Officer [of the] U.S. Army Engineer District”

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**CERTIFICATE OF SERVICE**

I, Hilda M. Garcia Concepcion, Assistant United States Attorney for the Southern District of Texas, hereby certify that on this October 5, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: s/ *Hilda M. Garcia Concepcion*  
**HILDA M. GARCIA CONCEPCION**  
Assistant United States Attorney